

U.S.C. 103(a) as being unpatentable over Chin in view of US Patent 5,903,628 (hereafter "Brennan").

Claims 1,5,10,13 and 15 have been amended to more clearly and concisely claim the invention. Amended claims 1,5 and 10 now include the recitation that the rejection message indicates to the wireless system that the wireless system is "to immediately release the incoming call on the communication channel between the mobile device and remote transceiver". The terminating step of amended claim 13 now recites "terminating immediately at the base station said second transmission on the communication channel between said base station and second remote station, if it is determined during said step of detecting that said second transmission is to be terminated." The terminating step of claim 15 now recites "terminating immediately at the base station said first transmission to the remote station on the communication channel between said base station and the remote station if it is determined at said step of detecting that said first transmission is to be terminated." These amendments are supported in the specification, for example at page 10, lines 5-18 and page 13, lines 3-17. Dependent claim 8 has also been amended to clarify the aspects claimed in claim 8. No new matter has been added.

Applicants believe that independent claims 1,5,10,13 and 15 are patentable over Chin.

Chin discloses a Method and System for Selectively Alerting User and Answering Preferred Telephone Calls. In Chin a user is able to selectively designate phone numbers of callers from whom the user wishes to answer calls. In Chin a call termination message is transmit from an antenna from the central processing unit 120 that is implemented in the system, which is shown as a portable telephone, of Fig. 1. The call termination message is disclosed as a message to the caller. The system of Fig. 1 has an antenna ANT for transmitting the termination message over the communications channel from the portable telephone to the calling party. (Chin, Col. 4, lines 59-67.) "If the incoming call is not answered by the user within the predetermined

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time period, or the calling party's telephone number has not been previously designated by the user within the selected receiving mode, a call termination message is transmitted to the calling party to indicate that the user can not presently answer the incoming call." (Chin, Col. 2, lines 23-29.) Chin differs from the invention as claimed in claims 1,5,10,13 and 15 in that the central processing unit of the receiver is in the call and actually answers the call by transmitting the termination message to the caller from the antenna, while in the present invention, a rejected call is immediately released on the communications channel between the mobile device, removing the mobile device from the call with a rejection message that indicates to the wireless system that the call is to be released on the communications channel. This allows the base station or system to play a message to the caller or end the call. (Application, page 13, lines 9-11.)

In Chen a circuit must be completed between the caller and the receiver and transmitter antenna of Fig. 1 so that the termination message can be transmit. In the invention as claimed in the present claims, the incoming call may be rejected using the rejection message without completing a call circuit between the mobile and the caller. The rejection message terminates the call only on the communications channel between the mobile and the remote transceiver. The wireless system then may send a message to the caller or terminate the call but the message comes from the base station or wireless system itself and not the transmitter of the mobile.

Claims 3-4,7-9,12, and 14 are dependant on amended claims 1,5,10 and 13, respectively and believed allowable over Chin for the same reasons as for claims 1,5,10 and 13. Claims 2,6, and 11 which were rejected under 35 U.S.C. 103(a) as being unpatentable over Chin in view of US Patent 5,903,628 (hereafter "Brennan") are dependent on claims 1,5 and 10 respectively and are believed allowable since claims 1,5 and 10 are allowable.

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Respectfully submitted,

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